IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 14875 of 2024.
Decided on : 28th October, 2026

Chirag **...Petitioner.**

Versus

State of H.P. & Ors. **....Respondents.**

Coram:

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?[1]

For the Petitioner: Mr. Vikrant Thakur, Senior Advocate with Mr. Vishal Singh Thakur and Mr. Shubham Singh Guleria, Advocates.

For the respondents: Mr. Seema Sharma, Deputy Advocate General.

Jyotsna Rewal Dua, Judge.

Heard and considered the case file.

2. The case.

2(i). *Chirag versus State of Himachal Pradesh and others*[2], was preferred by the petitioner seeking direction to the respondents to provide him employment assistance on regular basis with effect from 2005 along with consequential benefits. The case pleaded by the petitioner therein was that his father had died in harness on 06.06.2000; Petitioner was offered post of Forest Guard on 16.02.2009; He accordingly joined the respondent department on contract basis. The petitioner's

[1] Whether reporters of the local papers may be allowed to see the judgment?

[2] T.A. No. 1832 of 2015, decided on 10.01.2019

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grievance was that he was eligible for regular appointment to the post of Forest Guard. Contractual appointment provided to him by the respondents was in violation of the applicable policy. Petitioner had also alleged discrimination vis-à-vis one Shri Kulvinder Singh, who had been appointed on regular basis on 04.10.2007, after being subjected to an interview to the post of Forest Guard. The aforesaid petition was disposed of with following operative directions:-

> *"6. Consequently, the transferred application is allowed and the respondents are directed to consider the case of the applicant for appointment to the post of Forest Guard on regular basis with effect from the date Sh. Kulvinder Singh appointed within two months from the date of production of certified copy of this order and the actual financial benefits will be restricted to three years prior to filing of the transferred application."*

2(ii). Pursuant to the above directions, the respondents considered the case of the petitioner on 20.04.2024 and rejected it. While rejecting the case of the petitioner, the respondents *inter alia* observed in the order dated 20.04.2024 (impugned herein) that: (i) Petitioner had claimed parity for his regular appointment from retrospective effect from the year 2005, at par with the candidates appointed on direct recruitment basis in the department; Such comparison was not available to the petitioner; (ii) It is the prerogative of the government to provide employment in public service as per requirement of necessity of the posts; (iii) It was open for the applicant to apply and to participate in the open

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competition/selection process of Forest Guard conducted during the year 2007 on direct recruitment basis, for filling up of posts on regular basis, as per provisions of relevant R&P rules and to get selected on merit basis amongst others; (iv) Shri Kulvinder Singh was appointed as Forest Guard on regular basis after culmination of the selection process/open competition of the Forest Guard conducted during the year 2007 for their recruitment. The case of the petitioner/applicant cannot be compared with that of Kulvinder Singh, as Kulvinder Singh's appointment was not on compassionate grounds, but on merit basis through an open competition; (v) Petitioner had not agitated the matter w.e.f. 2004 to 2013. He did not file any representation w.e.f. 2019 to 2022. Allowing the claim of the petitioner at this stage would even otherwise unsettle the settled seniority.

It is worthwhile to notice that after the passing of impugned consideration order on 20.04.2024, *State of H.P. and others versus Chirag*[3] instituted by the respondent-State against *Chirag versus State of Himachal Pradesh and others*, was withdrawn by the respondents.

3. Contention of learned counsel that the impugned order dated 24.04.2024 was in breach of directions issued in *Chirag*[2], does not

[3]CWP No.2839 of 2024, decided on 29.04.2024

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hold substance. Respondents were directed in *Chirag*[2] to consider the case of the petitioner for appointment to the post of Forest Guard on regular basis with effect from the date Shri Kulvinder Singh was appointed. The direction issued to the respondent was only for considering the case of the petitioner. The respondents accordingly considered the case of the petitioner on 20.04.2024 and held that case of the petitioner was distinct on facts from that of Kulvinder Singh. The distinction in factual position of two cases has already been noticed earlier i.e. Kulvinder Singh having been appointed on the basis of his merit determined in an open competition in a direct recruitment process undertaken by the respondents for filling up the posts of Forest Guard, whereas petitioner was appointed on compassionate grounds without facing any competition. Therefore, no fault can be found with the respondents in considering the case of the petitioner in terms of office order dated 20.04.2024.

Confronted with this, learned counsel for the petitioner places reliance upon ***Vikas Kumar versus State of H.P. and others***[4]**,** for seeking regular appointment for the petitioner along with consequential benefits from the date of his initial appointment on contract basis. This was countered by the learned Deputy Advocate General by pointing out

[4]CWP No. 8032 of 2021 decided along with connected matters on 23.06.2025.

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that aforesaid decision has been stayed by the Hon'ble Principal Division Bench vide order dated 01.07.2026 passed in ***LPA No. 194/2026 (State of H.P. and another versus Vikas Kumar)***, along with connected matters.

4. At this stage, learned counsel for the petitioner submitted that petitioner would be content in case he is permitted to file a fresh representation seeking applicability of *Vikas Kumar*[2] after adjudication of LPA No. 194/2026. Learned Deputy Advocate General is not averse to this prayer.

In view of above, this petition is disposed of with liberty reserved to the petitioner to make a representation to the respondents within two weeks from the date of decision in above-mentioned Letters Patent Appeal, whereafter, the respondents shall consider and decide the representation of the petitioner within six weeks after the disposal of LPA, and in terms thereof.

With aforesaid observations, the present writ petition stands disposed of. Pending applications, if any, also stand disposed of.

Jyotsna Rewal Dua
Judge

28th October, 2026.
(jai)

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